

THE HONORABLE JOHN C. COUGHENOUR

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

LORENZO V. MOLINA, JR.,

Defendant.

CASE NO. CR15-0383-JCC

ORDER

This matter comes before the Court on the United States Probation and Pretrial Services Office's ("Probation Office") request for early termination of Defendant's supervised release (Dkt. No. 33). Having thoroughly considered the request, the Government's opposition, and the balance of the record, the Court hereby DENIES the Probation Office's request for the reasons explained herein.

In 2015, Defendant pleaded guilty to one count of bank fraud. (Dkt. Nos. 3, 6, 10.) The Court imposed 18 months of imprisonment followed by five years of supervised release. (Dkt. Nos. 20, 27.) In August 2017, Defendant was released from prison and began serving his term of supervised release, which is scheduled to end on August 22, 2022. (Dkt. No. 33.)

The Probation Office recommends that the Court terminate the balance of Defendant's supervised release based on its determination that Defendant "has derived the maximum benefit from supervision and does not appear to presently pose a risk to the community." (*Id.* at 2.) The

1 Government opposes, pointing out that the instant offense was Defendant's second fraud crime
2 (which he committed while on supervision for a 2010 fraud conviction), that he struggled during
3 the first year of supervised release, and that there are no new or unforeseen circumstances which
4 would justify early termination. (Dkt. No. 32 at 3–5.) The Government also points out that
5 Defendant's obligations under supervised release are minimal, except for travel restrictions,
6 which the Government does not oppose modifying. (*Id.* at 5.)

7 A court may terminate a term of supervised release at any time after the expiration of one
8 year of supervised release "if it is satisfied that such action is warranted by the conduct of the
9 defendant released and the interest of justice." 18 U.S.C. §§ 3564(c), 3583(e). In deciding
10 whether early termination is appropriate, the Court must consider several factors, including the
11 nature and circumstances of the offense, the history and characteristics of the defendant, the need
12 to deter criminal conduct, the need to protect the public from further crimes, and the need to
13 avoid disparity among similarly situated defendants. 18 U.S.C. § 3583(e) (citing to factors listed
14 by 18 U.S.C. § 3553(a)); *see also United States v. Emmett*, 749 F.3d 817, 820 (9th Cir. 2014).
15 Early termination of supervised release should be granted only "[o]ccasionally" when "changed
16 circumstances—for instance, exceptionally good behavior by the defendant or a downward turn
17 in the defendant's ability to pay a fine or restitution imposed as conditions of release—will
18 render a previously imposed term or condition of release either too harsh or inappropriately
19 tailored to serve the general punishment goals of section 3553(a)." *United States v. Lussier*, 104
20 F.3d 32, 36 (2d Cir. 1997); *see also United States v. Miller*, 205 F.3d 1098, 1101 (9th Cir. 2000).

21 After careful consideration of the 18 U.S.C. § 3583(e) factors, the Court finds that early
22 termination is not warranted. The nature and circumstances of Defendant's offense were serious.
23 Particularly troubling is Defendant's history of criminal fraudulent acts, which suggests he
24 remains a danger to others. The Court further notes that Defendant's recent compliance with the
25 conditions of supervision, including regular employment, are expected milestones that do not
26 render continued supervision no longer appropriate. *See, e.g., United States v. Grossi*, 2011 WL

1 704364, slip op. at 2 (N.D. Cal. 2011) (finding that “[m]ere compliance with the terms of
2 supervised release is what is expected, and without more, is insufficient to justify early
3 termination”). Finally, the Court finds that Defendant’s remaining term of supervision will
4 continue to provide a legitimate disincentive to resume any criminal behavior and remains
5 suitably tailored to the offense conduct. *See United States v. Saine*, Case No. CR13-0256-KDE,
6 Dkt. No. 44 at 2). In summary, terminating supervised release now would not adequately reflect
7 the seriousness of the offense, deter criminal conduct, or protect the public from future crimes.

8 For the foregoing reasons, the Court DENIES the Probation Office’s request for early
9 termination (Dkt. No. 33).

10 DATED this 10th day of March 2021.

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13 A handwritten signature in black ink, reading "John C. Coughenour", is written over a horizontal line.

14 John C. Coughenour
15 UNITED STATES DISTRICT JUDGE
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